IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 979 OF 2005

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Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

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Mr. B.P.Shah for the appellants.

Mr. B. K. Barne i/by M/s. B. K & Co. for the respondent.

CORAM : ANOOP V. MOHTA,J.

DATED : 9th July, 2007

P.C.

1 In this present second appeal, the plaintiffs/ appellants who is defendant in the second appeal No. 988 of 2005 between the parties, have challenged the registered documents claiming it to be a surety of loan and a mortgage deed for amount of Rs.7000/-.

6. Both the Courts after considering the material and evidence placed on record, come

to a clear conclusion that the sale deed dated 28th December, 1970 is a document/ transaction of sale and purchase and not of mortgage and or of loan transactions.

7. The findings given therefore, in the facts and circumstances of the case, need no interference.

8. The reasoning given, therefore, cannot be said to be perverse or contrary to record. Resultantly, the second appeal is dismissed.

[ANOOP V. MOHTA, J.]